

State of California
AIR RESOURCES BOARD
Executive Order DG-010
Distributed Generation Certification of
FuelCell Energy, Inc.
DFC300MA Fuel Cell

WHEREAS, the Air Resources Board (ARB) was given the authority under California Health and Safety Code section 41514.9 to establish a statewide Distributed Generation (DG) Certification Program to certify electrical generation technologies that are exempt from the permit requirements of air pollution control or air quality management districts;

WHEREAS, this DG Certification does not constitute an air pollution permit or eliminate the responsibility of the end user to comply with all federal, state, and local laws, rules and regulations;

WHEREAS, on September 21, 2005, FuelCell Energy, Inc. applied for a DG Certification of its 250 kW, DFC300MA Fuel Cell and whose application was deemed complete on October 18, 2005;

WHEREAS, FuelCell Energy, Inc. has demonstrated, according to test methods specified in title 17, California Code of Regulations (CCR), section 94207, that its natural-gas-fueled DFC300MA Fuel Cell has complied with the following emission standards:

1. Emissions of oxides of nitrogen no greater than 0.07 pound per megawatt-hour;
2. Emissions of carbon monoxide no greater than 0.10 pound per megawatt-hour;
3. Emissions of volatile organic compounds no greater than 0.02 pound per megawatt-hour; and
4. Emissions of particulate matter no greater than an emission limit corresponding to natural gas with a fuel sulfur content of no more than 1 grain per 100 standard cubic feet;

WHEREAS, FuelCell Energy, Inc. has demonstrated that its DFC300MA Fuel Cell complies with the emissions durability requirements in title 17, CCR, sections 94203 (c);

WHEREAS, I find that the Applicant, FuelCell Energy, Inc., has met the requirements specified in article 3, title 17, CCR, and has satisfactorily demonstrated that the DFC300MA Fuel Cell meets the 2007 DG Certification emission standards;

NOW THEREFORE, IT IS HEREBY ORDERED, that a DG Certification, Executive Order DG-010, executed at Sacramento, California on December 16, 2005 is hereby granted.

This DG Certification:

- 1) is subject to all conditions and requirements of the ARB's DG Certification Program, article 3, title 17, CCR, including the provisions relating to inspection, denial, suspension, and revocation;
- 2) shall be void if any manufacturer's modification results in an increase in emissions or changes the efficiency or operating conditions of a model, such that the model no longer meets the 2007 DG Certification emission standards; and
- 3) shall expire on December 16, 2009.

Catherine Witherspoon
Executive Officer
by

/S/

Robert D. Fletcher, Chief
Stationary Source Division